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CLERK, U.S. DISTRICT COURTS

IN THE UNITED STATES DISTRICT COURT FOR

NORTHERN DISTRICT, EASTERN DIVISION

219 SOUTH DEARBORN STREET

CHICAGO, IL 60604

SHREE M. AGRAWAL, K-69774,

05C 6367
JUDGE PALMEYERPlaintiff,
MAGISTRATE JUDGE
GIBALDIKE SOAT BROWN.

Against

ANDREW W. LAMBERTSON, KENNETH R. BRILEY, Chaplain
 PETERSON, ANTHONY DAVIS, AWP CATCHING, GEORGIA
 SCHONAUER, CARMEN RUFFIN, WARDEN JONATHAN R. WALLS,
 WARDEN EUGENE MCADORY, WARDEN CHARLES L. HENSLEY,
 WARDEN ALAN UCHTMAN, DEBI MIDDENDORF, TYONE
 MURRAY, JERRY GOFORTH, CHAPLAIN STEVE KEIM, J. WINTERS
 CESS III, AWP WM P. SPILLER, F. LAWRENCE C. C. II, MAYOR
 JAENKEE, MAYOR MAUE, MAYOR MARTIN, DONALD N. SNYDER JR.,
 DIRECTOR ROGER E. WALKER JR, ANDREW N. WILSON,
 MICHAEL R. COCKE, BRIAN E. FAIRCHILD, C. D. T. DIERCKS,
 LIEUTENANT C. PARNEL, JOHN DOE I, JOHN DOE II, JOHN DOE
 III, JOHN DOE IV, JOHN DOE V, JOHN DOE VI, JOHN
 DOE VII, JOHN DOE VIII, JOHN DOE IX, JOHN DOE X,
 JOHN DOE XI,

Defendants

COMPLAINT UNDER THE CIVIL RIGHTS ACT42 U.S.C. § 1983JURY TRIAL REQUESTED

I. PREVIOUS LAWSUITS

1. I am Plaintiff in Agarwal v. Bailey, et al., case no. 02 C 6807 in Federal District Court for Illinois, Northern District, Eastern Division, ~~etc~~
2. In Agarwal v. Bailey, et al. case no. 02 C 6807
 - (a) Shree M. Agarwal, K-62770 is Plaintiff;
 - (b) Kenneth R. Bailey, et al. Chaplain Peterson, and Anthony Davis are defendants; and (c) Honorable Rebecca R. Pallmeyer is judge.
3. Agarwal v. Bailey, et al. was filed in September 2002 and is still pending before court.
4. Plaintiff's motion for leave to file supplemental complaint was denied, by Judge Pallmeyer in Agarwal v. Bailey, et al., on 8-3-2005.

II. PLACE OF PRESENT CONFINEMENT

1. Menard Correctional Center
P.O. Box 711
Menard, IL 62259
2. (a) Available administrative grievance procedure has been exhausted. All the grievances were denied by the facility wardens and/or their designee on the behalf of wardens. (c) all grievance appeals were denied by the Director of IDOC and/or their designee on the behalf of the Director of IDOC.

III. PRELIMINARY STATEMENT

1. This is a complaint for civil right action filed by Shree M. Agrawal, a state prisoner, for damages under 42 U.S.C. § 1983, alleging conspiracies of (a) forgery, (b) fraud, (c) extortion with threat, (d) robbery, (e) obstruction in Plaintiff's effort to exhaust Administrative Grievance Procedure, (f) violation of Department Rules, (g) violation of Plaintiff's rights under Equal Protection of Law, due process of law and Plaintiff's right to exercise his religion freely as a part of a grand conspiracy of official misconduct for violation of prisoners' legal rights including legal rights of Plaintiff and for an appropriate injunction order to protect Plaintiff from violation of his civil rights by prison officials in future. Plaintiff also alleges that 735 ILCS 5/13-242.1 is unconstitutional and is designed and is being used for the purpose of extortion of a favorable settlement with threat to inform victims of convicted plaintiffs if they would demand in settlement or win in trial damages more than \$544.⁰⁰/₁₀₀ against IDOC employees.

2. This court has jurisdiction over the plaintiff's claims under 28 U.S.C §§ 1331 (a), 1343, 42 U.S.C. §§ 1983, 1985, 1986, 18 U.S.C. § 1951.

IV PARTIES

1. Plaintiff Shree M. Agrawal ("Agrawal") is in the custody of IDOC. During the period ~~described~~ relevant to this complaint he was housed at SCC and MCC facilities of IDOC. He was also plaintiff in Agrawal v. Bailey, et al., Case No. 02 C 6807.
2. Defendant Andrew W. Lamberton ("Lamberton") was employed as Assistant Attorney General of Illinois by the Office of Attorney General of Illinois at 128 West Randolph Street, 13th Floor, Chicago, IL 60601 during the period relevant to him in this complaint. Mr. Lamberton was responsible for defending Mr. Bailey, Chaplain Peterson, and Mr. Davis in Case No. 02 C 6807.
3. Defendant Kenneth R. Bailey ("Bailey") was employed as warden and CAO of SCC and he was a defendant in Case # 02 C 6807 during the period relevant to him in this complaint. As CAO of SCC he was overall in charge of SCC.
4. Defendant Chaplain Peterson was employed as a chaplain at SCC facility and also was a defendant in Case No. 02 C 6807 during period relevant to him in this complaint.
5. Defendant Anthony Davis, ^{("Davis") was} employed as personal property officer at SCC facility of IDOC and

was also a Defendant in case No. 02 C 6807 during the period relevant to him in this complaint. He was in charge of Personal Property office during that period.

6. Defendant Catching was employed as Assistant Warden of Programs ("AWP") at SCC facility of IDOC during the period relevant to him in this complaint and was authorized by Warden Bailey to review all inmate grievances and sign Kenneth R. Bailey where Warden's ~~respons~~ signature on grievance response was required.

7. Defendant Georgia Schomauer ("Schomauer") was employed as Grievance Officer ("GO") at SCC facility of IDOC and was ~~the~~ in charge of Grievance office during the period relevant to her in this complaint.

8. Defendant Carmen Ruffin ("Ruffin") was employed as a Grievance Officer at SCC facility of IDOC and was responsible to review emergency grievances of prisoners and report her findings and recommendations to Warden Bailey during the period relevant to her in this complaint.

9. Defendants ^{WALLS,} Eugene McAdory ("McAdory"), Charles L. Hinsley ("Hinsley"), and Alan M. Uchtmann ("Uchtmann") were employed as warden of MCC facility of IDOC and they were responsible for overall operation of

mcc facility of tdoc during the period relevant to them in this complaint.

10. Defendants Debi Middendorf ("Middendorf"), Tyone Murray ("Murray") and Jerry Goforth ("Goforth") were employed as grievance officers at mcc facility of tdoc and were responsible to review and report their findings and recommendations to on prisoners' grievances to the CAO of smcc during the period relevant to them in this complaint.

11. ^{defendant} Chaplain Kern was employed as senior chaplain at mcc facility of tdoc and was responsible to review prisoners' request for religious diet and make decisions during the period relevant to him in this complaint.

12. Defendant J. Winters ("Winters") was employed as chief food staff supervisor at mcc facility of tdoc during the period relevant to him in this complaint.

13. Defendant Spiller was employed as Assistant Warden of Programs at mcc facility of tdoc during the period relevant to him in this complaint.

14. Defendant F. Lawrence ("Lawrence") was employed as correctional counselor at mcc facility of tdoc and was responsible to resolve grievances of prisoners assigned to him in a reasonable and

impartial manner before it was submitted to grievance office during the period relevant to him in this complaint.

15. Defendants Major Jaenkee, Major Maue, Major Martin were employed as major at mcc facility of IDOC during the period relevant to them in this complaint.

16. Defendants Donald N. Snyder Jr. ("Snyder") and Roger E. Walker Jr. ("Walker") were employed as Director of IDOC and they were overall in charge of the operation of all IDOC facilities during the period relevant to them in this complaint.

17. Defendants John Doe II, John Doe ^I~~II~~, John Doe III, John Doe IV, John Doe V, John Doe VI were employed by IDOC during the period relevant to them in this complaint and have signed the name of Director Donald N. Snyder ^{Jr.} (in doc. SMA-22 and SMA-227), Director Roger E. Walker Jr. (in doc. SMA-512, warden Eugen McAdory (in doc. SMA-274-D), warden Charles C. Himsley (in doc. SMA-292), warden Alon Uchman (in doc. SMA-528), warden Uchman (in doc. SMA-524) respectively.

18. Defendants Donald N. Snyder, Wilson, Andrew N. ("Wilson") and Locke, Michael R. ("Locke") were employed as Adjustment Committee members at mcc facility of IDOC during the period

relevant to them in this complaint. Mr. Wilson was also the chairperson of the Adjustment Committee.

19. Defendant John Doe VII was employed as chief legal counsel of IDOC and he was responsible to give legal advice consistent with state and federal laws to the Director of IDOC, Warden of IDOC facilities, and to Defendants who are IDOC employees.

20. Defendants Brian K. Faischild ("Faischild") and John Doe VIII were employed at office of inmate issue in Springfield IL by IDOC and they were responsible to review grievance appeals of prisoners in an impartial manner and report their findings and recommendations to the Director of IDOC. Defendant John Doe VIII had ruled in doc SMA-276 on the behalf of the Director.

21. Defendant John Doe IX was employed as nurse at health care unit of MCC facility of IDOC during the period relevant to her in this complaint. She had taken DNA specimen of Plaintiff on 12-29-04 and on 1-12-05.

22. Defendant C. C. Parnell ("Parnell"), John Doe X, and John Doe XI were employed as Lieutenants at MCC facility of IDOC during the period relevant to them in this complaint. Their actions are described in paragraphs F.17 and F.18 on pages 33-34.

23. Defendant CIDT Dieacks was employed at office of BOR at MCC facility of IDOC during the period relevant to him in this complaint.

24. Actual name of the Defendants named as "John Doe" is not known to Plaintiff at this time.
25. All the Defendants except Director Walker and Warden Uchtman are being sued in their individual capacity.
26. Director Walker and Warden Uchtman are being sued in their individual capacity ~~both~~ and official capacity.
27. All the Defendants have acted under color of law at all times relevant to this complaint.

V STATEMENT OF FACTS

DOCUMENTS ATTACHED: ABBREVIATIONS - USED

SMA-24	SMA-274	SMA-546	SMA-526
SMA-22	SMA-274-D	SMA-548	
SMA-101	SMA-292	SMA-512	
SMA-274-A	SMA-419	SMA-516	
SMA-222			
SMA-265	SMA-421	SMA-524	

ABBREVIATIONS USED:

AWP = Assistant Warden of Programs

BOD = Bureau of Identification

CAO = Chief Administrative Officer

GO = Grievance Officer

HCU = Health Care Unit

IDOC = Illinois Department of Corrections

MCC = Menard Correctional Center

SCC = Stateville Correctional Center

A. Perpetration of "forgery" or its "conspiracy" by the directors of IDOC and by warden of IDOC facilities including but not limited to by defendants.

1. Under 724 ILCS 5/17-3 "forgery" is a class 3 felony.
2. At common law "forgery" is the false making or materially altering with intent to defraud of any writing which if genuine, might apparently be of legal efficacy or ~~or~~ foundation of legal liability. People v. Mau, 36 N.E.2d 235, 377 Ill. 199.
3. An intent to defraud means an intention to cause another to assume, create, transfer, alter, or terminate, any right, obligation or power with reference to any person or property. 724 ILCS 5/17-3 (5).
4. For conviction of forgery intent to defraud need not be ~~100%~~ successful.
5. A "civil conspiracy" is a combination of two or more persons acting in concert to commit an unlawful act, or to commit a lawful act by unlawful means, the principal element of which is an agreement between the parties to inflict a wrong against or injury upon another and an overt act that results in damage.

6. Under 22~~28~~ U.S.C. 518-2 a person convicted of a conspiracy may be fined or imprisoned or both up to the maximum provided for the offense which is object of the conspiracy.

7. "Forgery" or its "conspiracy" was perpetrated by the following Defendants:

a. Doc SMA-512 was signed by JOHN DOE I as designee of Director Walker forging the name of Director Roger E. Walker Jr. concealing his own identity as was authorized by Director Walker.

b. Dec SMA-22 and SMA-222 were signed by JOHN DOE II as designee of Director Snyder forging the name of Director Donald N. Snyder Jr. concealing his own identity as was authorized by Director Snyder.

c. Doc SMA-27~~6~~-D was signed by JOHN DOE III as designee of Warden McAdory forging the name of Warden Eugene McAdory concealing his own identity as was authorized by Warden McAdory and by Director Walker.

d. Doc SMA-292 was signed by JOHN DOE IV as designee of Warden Hinsley forging the name of Warden ~~Hinsley~~ Charles C. Hinsley concealing his own identity as was authorized by Warden Hinsley and by Director Walker.

e. DOC SMA-528 and SMA-524 were signed by JOHN DOE V and by JOHN DOE VI as designee of Warden Uchtman forging the name of Warden Alan Uchtman concealing their own identity as was authorized by Warden Uchtman and by Director Walker.

f. DOC SMA-24 and SMA-224-A were signed by AWP Catching as designee of Warden Bailey forging the name of Warden Kenneth R. Bailey concealing his own identity as was authorized by Warden Bailey and by Director Snyder.

8. All the documents mentioned in paragraph 7 were documents of legal efficacy or foundation of legal liability of the signers of those documents.

9. The motives of defendants and others like them behind this conspiracy of forgery were as follows:

a. Prisoners including Plaintiff would assume that their grievances were denied by their warden and their grievance appeals were denied by the Director of DOC.

b. They may sue, as was done by Plaintiff, to their warden and Director of DOC for their deliberate indifference for violation of legal rights alleged in their grievances.

c. If and when sued by a prisoner, Defendant warden and directors would escape their supervisory liability by

(1) claiming that grievances of plaintiffs were denied by their designees; and by

(2) claiming that they had no personal knowledge and information about allegations made by plaintiff's in their grievance and in their grievance appeals;

as was done by warden Bailey in his affidavit (doc SMA-421)

10. As a result of this conspiracy of forgery Plaintiff has suffered the following injury:

a. He lost the opportunity to sue AWP catching and JOHN DOE II in Agrawal v. Bailey, et al, and hold them accountable for violation of legal rights of Plaintiff

b. Plaintiff is incurring substantial unnecessary expenses in his litigation

c. Full extent of Plaintiff's injury is not known at this time.

11. Ms. Combeston had participated in this conspiracy of forgery by not filing answer to Plaintiff's complaint and by not answering discovery in Agrawal v. Bailey, et al, until time to sue Ms. catching was expired.

B. Perpetration of "Fraud" or its "Conspiracy" by the Defendants

1. In its general sense, "fraud" means anything calculated to deceive, including all acts, omissions and concealment involving a breach of legal or equitable duty, trust or confidence resulting in damage to another. Majewski v. Gallina, 168 N.E.2d 263, 17 Ill.2d 99.

2. Following statements were made by Mr. Lamberson either on his own behalf or on the behalf of one or more clients; in Agarwal v. Bailey, et al. Case # 02-c-6807:

a. With defendant's motion to stay proceedings filed on 5-7-03, in Agarwal v. Bailey, et al., a statement of certificate of service under oath was filed by Mr. Lamberson on his own behalf.

b. With defendant's motion to strike motion for summary judgment and/or to discovery filed on 3-10-04, in Agarwal v. Bailey, et al., another statement of certificate of service under oath was filed by Mr. Lamberson on his own behalf.

c. In defendant's response to plaintiff's motion for contempt of court order dated 4-17-04, a statement that Mr. Anthony Davis was personal property officer (John Doe) who had ^{issued} ~~received~~ notice of disposal (doc SMA-1417) was made by Mr. Lamberson with the knowledge and consent of ~~the~~ his client Mr. Bailey.

d. In Defendant's Answer to Second Amended Complaint (Ans1) filed on 1-23-04, a statement of denial of knowledge and information of the fact that Mr. Davis was personal property officer, who had ~~signed~~ issued notice of disposal (doc SMA-141) was made by Mr. Lamberton on the behalf of his client Mr. Bailey with his knowledge and consent.

e. In Defendant's Answer to Second Amended Complaint filed on 5-21-04, a statement for denial of the fact that Mr. Davis was Personal Property Officer, who had issued notice of disposal (doc SMA-141), was made by Mr. Lamberton on the behalf of his client Mr. Davis with the knowledge and consent of Mr. Davis.

3. Following statements were prepared by Mr. Lamberton to be made by his clients, in *Aggawal v Bailey, et al*, case # 02-c-6807, Mr. Bailey, Mr. ^{Peterson} ~~Lamberton~~ and/or by Chaplain Keim of SCC in their affidavits & dated 3-12-04 filed in the court.

a. According to Rule 425.24, in order to receive a religious diet, inmate must obtain a letter from a faith representative which states that they are a member or practitioner of the faith, and the religion requires adherence to a particular diet and the specific requirements of the diet is the inmates' responsibility to obtain this letter, according to the Rule."

3. b. department rule 425 is applied to all inmates equally. All are required to provide the same documentation from faith leaders if they are requesting a religious diet. The reason for the requirement is to assist in the management of the dietary department as there is the potential for a special diet request from any of the inmates practicing various religions."

4. The statements mentioned in paragraph 2-3 of this section

a. were statements of material nature as oppose to the opinions of Ms. Lamberson, Ms. Bailey, Chaplain Peterson, or Chaplain Keim; or Ms. Davis.

b. were all untrue statements;

c. The statements were known by Ms. Lamberson, Ms. Bailey, ~~Ms~~ Chaplain Peterson, and Chaplain Keim, ^{or Ms. Davis} to be untrue, believed by them to be untrue, or were made by them with culpable ignorance of their truth or falsity;

d. were made by them for the purpose of reliance by the Plaintiff and by court.

e. Plaintiff and the court relied upon the untrue statements prepared by Ms. Lamberson and ~~made by~~ Ms. DAVIS, Ms. Bailey, Chaplain Peterson, and Chaplain Keim in their affidavits file in the court.

5. As a result of untrue statements made by the forementioned defendants following injuries were

suffered by the Plaintiff:

a. In *Agarwal v. Bailey, et al*, 02 C 6807, Plaintiff sued the wrong defendants.

b. Plaintiff lost opportunity to sue Personal Property Officer who had issued notice of disposal (doc SMA-161) and had confiscated Plaintiff's Norelco razor with Gilmer in violation of legal rights of Plaintiff and hold Personal Property Officer accountable

c. Plaintiff suffered substantial litigation expenses unnecessarily

d. Plaintiff had suffered mental frustration and emotional distress.

e. Full extent of Plaintiff's injuries is not yet known.

c. Perpetration of "extortion with threat" by defendants, and conspiracy for it, by defendants.

1. Fear of economic loss can support extortion conviction. 18 U.S.C.A. § 1951(5); U.S. v. Sturman, 49 F.3d 1275 (7th Cir. (2d)) (1995)

2. Sufficient nexus with interstate commerce supported Hobbs Act conviction for state officer's receipt of bribe; business firm victim of the bribery customarily purchased or obtained materials or supplies a component of which come from outside the state in which he was located. 18 U.S.C.A. § 1951; U.S. v. Hocking, 864 F.2d 789, rehearing denied, (7th Cir. (2d)) (1988)

3. The word "extortion" and "blackmail" are synonymous. 54A C.R. 38 § 246.1; Heck v. Schupp, 68 NE.2d 464, 394 P.2d 296, 167 A.2d 232 (Ill. (1946))

4. "Extortion" through threats to expose one as a former convict is commonly considered as one of the forms of "Blackmail." People v. Mohamed, 44, N.E.2d 911, 381 P.2d 81 (Ill. (1942))

5. Federal extortion statute prohibits public official from exploiting victim's fear through both threatening positive action that will harm victim or threatening to withhold official action that will result in some form of harm being visited upon

action, 18 U.S.C.A. §§ 1951, 1951(b)(2); U.S. v. Davis, 894 F.2d 1373, 8 (7th Cir. (Ill.) (1989), certiorari denied 114 S.Ct. 1165, 493 U.S. 1092, 107 L.Ed.2d 1008.

6. Through doc. SMA-516, Plaintiff was told by Mr. Lamberson as follows:

a. "I have received authority from Chief Counsel [JOHN DOE VII] of the Illinois Department of Corrections in order to settle above referenced matter."

b. "The department is willing to pay you \$499.99 to settle the above referenced case. The reason for this figure is that the Crime Victims Asset Recovery Act requires notification to the victim of your crime of any award over \$500.00 (see 735 ILCS 5/13-202.1(d)). The Act requires that the IDOC notify the State's Attorney of the county in which Plaintiff was convicted of his crime within 14 days of any settlement, verdict or judgment in excess of \$500.00."

c. "The settlement would require no entry of judgment against defendants, and would of course remain confidential."

(all emphasis added)

7. On the behalf of IDOC in conspiracy with Chief Counsel of Illinois Mr. Lamberson had attempted to extort a favorable settlement of mere \$499.99 that would require no entry of judgment

against defendants and would remain confidential, by threatening to inform victim of plaintiff through the state's Attorney who had obtained plaintiff's conviction if plaintiff would demand in settlement or would try to win more than \$544.00 in ~~the~~ trial.

8. Use of 735 ILCS 5/13-242.1(d) by IDOC through its legal counsels and by Illinois Assistant Attorney Generals for the purpose of extortion of a confidential favorable settlement, without entry of any judgment against IDOC employees, from prisoner plaintiff's is a very common practice.
9. Crime victims do not benefit from this statute only IDOC, its legal staff and Illinois Assistant Attorney Generals benefit from 735 ILCS 5/13-242.1.
10. From the fear of being sued, Plaintiff was compelled to reduce his demands for settlement substantially.
11. Full extent of Plaintiff's injury is not yet known.
12. Plaintiff is involved into interstate commerce as follows:
 - a. very often he purchases legal, spiritual, medical, and english books from vendors located outside Illinois.
 - b. very often he purchases commissary items that

come in from outside of Illinois.

c. Whenever he can afford, he donates money to charitable organizations located outside state of Illinois also.

d. Whenever he can afford, he sends money to his family members located outside state of Illinois.

13. CDC encourages its employees and administrators to violate legal rights of prisoners in its custody ~~by~~ by following actions or omissions:

a. By not holding its employees accountable for the violation of legal rights of prisoners in any form or manner even when willful official misconduct towards violation of Department Rules and violation of legal rights of prisoners by CDC employees is proven in a court of law.

b. By defending CDC employees in individual capacity lawsuits against them for their willful official misconduct towards legal rights of prisoners at ~~per~~ cost to wrongdoers employees in ~~unlimited~~ unlimited number of lawsuits unlimited number of times.

c. By paying from tax payers' money ~~cost~~ of settlement on behalf of its employees and ~~cost~~ of judgment against its employees even in individual capacity lawsuits against them in unlimited number of lawsuits unlimited number of times.

D. 735 ILCS 5/13-202.1 VIOLATES EQUAL PROTECTION OF LAW AND IS DESIGNED TO EXTORT FAVORABLE SETTLEMENT BY THREATENING TO INFORM VICTIMS OF PRISONER PLAINTIFFS WHO DEMAND OR ^{IN} OBTAIN SETTLEMENT OR OBTAIN A JUDGMENT AWARD IN EXCESS OF \$500.⁰⁰/₁₀₀.

1. The statute violates equal protection clause because it provides for TDOC to notify a crime victim when his or her offender obtains a settlement or judgment award in the offender's favor against TDOC but not where the offender comes into money in any other way.

2. The statute divides convicted offenders into two different classes.

3. One class of convicted offenders (class A) are those who themselves are victim of TDOC employees, while they were acting under the color of state law, and are able to bring successfully a meritorious legal claim in a court of law for a substantial amount of damages in their favor against TDOC or its employees.

ni: substantial means more than \$500.⁰⁰/₁₀₀ with no upper limit.

4. Another class of convicted offenders are those (class B) who obtain substantial amount of money in any other way.
5. With regard to crime victims' Asset Recovery members of class A and Class B are similarly situated.
6. 735 ILCS 5/13-202.1 provides for IDOC to treat similarly situated convicted offenders of class A and class B dissimilarly without any rational basis for dissimilar treatment.
7. 735 ILCS 5/13-202.1 is designed for the following illegal purposes as is being widely used by IDOC exactly for these illegal purposes:

a. permit IDOC employees in concert to violate, freely, legal rights of prisoners by (1) not holding them accountable for their official misconduct for their willful violation of legal rights of prisoners; (2) By defending IDOC employees in the court of law for such violation at zero cost to employees and at 100% cost to innocent tax payers; (3) by paying 100% of settlement or judgment award in favor of convicted offenders against IDOC.

employees from for money

b. If and when a convicted offender brings a meritorious claim in a court of law for a substantial amount of damage against IDOC employees which IDOC cannot win then use 735 ILCS 5/13-202.1 (a) ^{CONFIDENTIAL} as a weapon to extort a favorable settlement of mere \$499.99 without entry of any judgment against IDOC employee by threatening convicted offender plaintiffs to inform their victims through State's Attorney who had obtained their conviction, if they demanded more than \$500.⁰⁰/₁₀₀ in settlement or won the a judgment for amount greater than \$500.⁰⁰/₁₀₀.

8. From the fear of losing everything they may win through trial and from the fear of expenses in defending civil lawsuits brought by their one time victim

a. convicted offender plaintiffs accept the settlement offer of 499.⁹⁹/₁₀₀ from IDOC that is confidential without entry of judgment against their victimizer defendant IDOC employees even when they truly believe that their injuries are worth more than five or six digits damage award; and

b. they are deterred from filing any future

lawsuit against their IDOC employee victimizer because total expense of winning a lawsuit or getting a settlement of \$499.⁹⁹/₁₀₀ may exceed \$500.⁰⁰/₁₀₀

c. There is always risk of losing in a lawsuit specially if plaintiff is a pro se, and/or prisoner.

9. victims of convicted offenders do not benefit from 735 ILCS 5/13-202-1(d) because of the following:

a. IDOC uses it for the purpose of extorting a confidential settlement of \$499.⁹⁹/₁₀₀ without entry of judgment.

b. Judgement awards entered in favor of convicted offenders are public record and ^{VICTIMS} ~~they~~ themselves can find the complete details of those entered judgement award without help of IDOC.

10. This statute is designed for and being used by IDOC to perpetually victimize one time convicted offender by exploiting their fear of being sued by their victims, and losing every thing they may otherwise win.

11. This statute discourages one time convicted offenders from seeking justice no matter how many times and in how many ways their legal rights are violated by IDOC employees, and no matter how much injuries they suffer as a result of those violations.

E. Respectation of "violation of plaintiff's right to exercise his religion" or its "conspiracy" by Defendants

1. Sincerely held religious beliefs are protected by (a) state constitution, (b) RFRA, (c) First Amendment to U.S. Constitution, and by (d) RLUIPA.

2. Plaintiff has right to receive lacto-vegetarian diet required in his religious practice.

a. Religion of Plaintiff is Hindu (Vaishnava).

b. Religious practice of Plaintiff requires to consume lacto-vegetarian diet in which meat, fish, poultry, and egg are prohibited.

c. Beef is strictly prohibited in religious practice of Plaintiff.

d. Dairy and Honey are essential part of Plaintiff's religious diet.

e. Plaintiff sincerely follows dietary rules of his religious practice.

f. Knowingly Plaintiff does not eat any food contaminated by food prohibited in his religious practice.

g. All components of lacto-vegetarian diet has been available in all CDC facilities including SCC and MCC.

3. After a written request from Plaintiff for lacto-vegetarian diet was received by Chaplain Keim, Plaintiff was approved ~~for~~ by Chaplain Keim for vegan diet required in Black-Hebrew-Israelite religion.

4. By this conduct Chaplain Keim had violated Establishment of Religion clause of First Amendment to U.S. Constitution.
5. Such violation of establishment of religion clause was authorized by Directors and Wardens of IDOC facilities including but not limited to by Directors Snyder and Walker, Wardens Bailey, McAdoo, Hinsley, and Uchtman.
6. After 2-24-⁶⁴~~63~~ Plaintiff was removed from approved religious diet (vegan) for no justified reason by Mr. Winters.
7. This removal of Plaintiff from approved religious diet for no justified reason was authorized by AWP Speller, Wardens McAdoo and Hinsley or Uchtman and by Directors Walker.
8. This removal and authorization was the result of their conspiracy with Chaplain Peterson, Warden Bailey and Mr. Lombardson.
9. The motive behind this conspiracy was to strengthen fraudulent statements mentioned in paragraph B. 3. on p. 15-16 for illegitimate defense of Chaplain Peterson and Warden Bailey in Agrawal v. Bailey, et al. Case No. 02 C 6807.
10. Chaplain Keim had participated in this conspiracy by refusing to reapprove Plaintiff's

request for religious diet, for no justified reason.

11. Counselor Lawrence and Go Middelort had participated in this conspiracy by agreeing with Mr. Winters and Chaplain Keim and by ~~intentionally~~ denying Plaintiff's grievance on behalf of warden as authorized by him.

12. Mr. Fairchild and JOHN DOE VII had participated ~~by~~ in this conspiracy by denying Plaintiff's grievance appeal ~~on~~ ~~was~~ on behalf of ^{DIRECTOR} ~~warden~~ as was authorized by Director Walker.

13. Plaintiff's religion was given unequal treatment. See doc SMA-265.

a. In conspiracy with Mr. Combeston, Chaplain Peterson and Warden Bailey a special "GUIDELINES AND STIPULATIONS OF THE RELIGIOUS DIET PROGRAM" was designed by Chaplain Keim when Plaintiff reappplied to him for approval of a religious diet to him.

b. This form was never used (1) before Plaintiff had reappplied for approval of a religious diet and (2) after Plaintiff stopped applying for religious diet.

c. Even when this form was being used for very short period of time, muslim prisoners were not required to sign this form in order to receive

pork-free diet required in their religious faith.

d. muslim prisoners were provided without any request and without any guidelines and stipulations pork-free diet required in muslim religion and they were free to eat pork or vegan food if and when they wanted.

e. most of the conditions in 6 doc. SMA-265

(1) violate procedural due process, (2) equal protection of law, and (3) have no rational relationship with any legitimate penological interest.

f. these conditions ~~are~~ were arbitrarily used and randomly used as a weapon (1) for refusal to approve and (2) to terminate already approved religious diet of arbitrarily chosen inmates by chaplain keim and by mr. winters.

g. such arbitrary actions were permitted or agreed by defendants mentioned in this section of complaint.

h. Even PR 425.79 which governs religious programs ~~treats~~ gives preferential treatment to muslim religions compared to other religions whose followers are in minority in CDC facilities.

i. This unequal treatment of religions by CDC has no rational relationship with any legitimate

penological interest and violates (1) Establishment of religion clause and (2) Equal Treatment of religion clause of First Amendment to U.S. constitution.

j. muslims are given preferential treatment because (1) most muslim prisoners are ~~at~~ Black and (2) they file more law-suits for their religious rights than any other ~~muslim~~ religions' prisoners.

k. IDOC recognizes right to receive religious diet of (1) muslim religions, (2) Black Hebrew Israelite religion, (3) Jewish religion, and (4) christian religion only.

l. This policy of IDOC is implemented by the defendants mentioned in this section.

m. This policy has no rational relationship with any legitimate penological interest.

n. Plaintiff was treated differently by defendants because he does not belong to a religion professed by them and by IDOC.

14. As a result of violation of right to exercise his religion plaintiff suffered from pain of hunger, mental frustration and emotional distress.